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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,388	09/29/2005	Jorma Kullervo Romunen	P08772US00/RFH	3318

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EXAMINER	
RUTLAND WALLIS, MICHAEL	

ART UNIT	PAPER NUMBER
2836	

MAIL DATE	DELIVERY MODE
10/13/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/551,388

**Applicant(s)**

ROMUNEN, JORMA KULLERVO

**Examiner**

MICHAEL RUTLAND WALLIS

**Art Unit**

2836

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8,9,12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8,9,12 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 8/24/09 have been fully considered but they are not persuasive.

Applicant argues the cited prior art are not analogous art since Brown does not relate in any way to Power Line Communication, and Brown is not reasonably pertinent to attenuation of a data transmission signal in a Power Line Communication system.

In response, the claims are not limited to a power line communication system, said limitation only appears in the preamble of the claim, and therefore the recitation has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hiraio*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Applicant secondly argues the characterization of the amplifying section of Brown as a second part is not taught by Brown.

In response, Applicant is directed the relevant section of the MPEP regarding claim interpretation (reproduced below in relevant part)

MPEP 2111 [R-5] Claim Interpretation; Broadest Reasonable Interpretation

During patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." >The Federal Circuit's en banc decision in *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005) expressly recognized that the USPTO employs the "broadest reasonable interpretation" standard

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In *re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969)

In view of the above the rejection has been maintained.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art (AAPA) in view of Brown et al. (U.S. Pat. No. 7,088,972)

With respect to claim 8-9 and 12 AAPA teaches a transmitter apparatus (Fig. 1), wherein the transmitter apparatus comprises signal-shaping (40) and

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adjustment devices and connecting devices (50) for connection to the electrical network for connection to an outlet, including a signal amplifier (20), and a connecting cable (line) between the transmitter apparatus and a connecting point (A) of the electrical power network. AAPA does not teach the transmitter divided into a first and second part. Brown teaches the use of a transmitter (item 10) divided and separated or distributed into at least a first (item 14) and second parts (item 16) connected by a signal cable (see connecting cables in Fig. 2), said first part including at least the signal shaping and adjustment devices (for example items 38 and 42). Brown further teaches said second part (16) including at least the signal amplifier (48 or 50) and a connecting unit (connection to DC power at item 18, see col. 8 lines 54-64) for connection to the electrical network (DC power supply network) and the connecting cable connecting said second part at least near to phase and zero rails (rails associated with supply of DC supply) outlet (item 22) of the electrical network; wherein the first part steers operation (via item 40) of the second part over the signal cable; and wherein the length of the connecting cable is under 5 m (see for example end to end distribution being less than 5m and 1m, col. 3 lines 45-55). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify AAPA include the teachings of Brown to divide the transmitter in to first and second parts as seen in Brown in order increase the modularity and provide greater flexibility in form and function (col. 8 lines 25-40).

Claims 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art (AAPA) in view of Brown et al. (U.S. Pat. No.

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7,088,972) further in view of Carson et al. (U.S. Pat. No. 7,007,305) Brown teaches the connection to DC rail and outlet, however does not teach the connecting cable can be connected to another connection point of a network cable or 3 phase rail/outlet. Carson teaches the use of a PLC system and transmitter (50 and 60) which can be connected to 3 phase rails (col. 6 lines 10-20) at another connection point of a network cable. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify further APPA to connect to a 3 phase network or another point in a network in order to allow the communication of data in an AC environment or structure at a point other than an the outlet.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Rutland-Wallis whose telephone number is 571-272-5921. The examiner can normally be reached on Monday-Thursday 7:30AM-6:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jared Fureman can be reached on 571-272-2391. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MRW  
/Albert W Paladini/  
Primary Examiner, Art Unit 2836

10/8/09